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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

DAC / IFW

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **DAVOOD KHAZILI**

Application No.: **10/790,437**

Art Unit: **2875**

Filed:

Examiner: **JOHN A. WARD**

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ **750** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

David Khalili
Signature

3/15/07
Date

DAVOOD KHALILI
Typed or printed name

P. O. Box 743
Address

Registration Number, if applicable
(408) 246-2020
Telephone Number

SANTA CLARA CA 95052
Address

86-1339163319
(CHINA)
6

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

3/15/07
Date

David Khalili
Signature
DAVOOD KHALILI
Typed or printed name of person signing certificate



To: U.S. Patent Office
Petition Dept.
Re: Application #10/790,437
Date: March 15, 2007

Dear Sir/Madam:

I am writing to ask for your help to revive my application for reconsideration of registration.

I was out of the country and I have no relative in USA. As a result I got my hands on the papers from patent office late. In regard to this patent I replied to the office by calling from China and sending my reply a few months late, but had no idea what else was needed. My reply was accurate to support the originality of my idea and particularity of the design and application.

However it is unfortunate that my patent application was abandoned.

My idea was perceived in 2001 and it uses 1.5/1.2 volt batteries for maximum usage since it works as the battery goes to as low as 0.8 volts. As a result the rechargeable batteries are the main factor here and the fact that maximum energy from battery is used before its replacement or recharge are unique to this patent application.

Considering my difficult situation in responding on time to the US patent office, I hope you will give me a chance by reviving my application.

Sincerely,

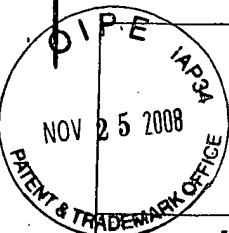
A handwritten signature in black ink, appearing to read "Davood Khalili".

Davood Khalili
P.O. Box 743 Santa Clara, CA 95052
Tel 408-246-2020
Tel in china 86-133916-33916

Date: March 15, 2007
Patent Application # 10/790,437
Inventor: Davood Khalili

Reply for Patent Application Question

The laser pointer patent application submitted by Davood Khalili was a result of work done in 2001 and the evidence was documented and witnessed and signed. In addition, the patent is different from other patents which have been filed by others because the Integrated Circuit chip and /or the circuitry used here allows the usage of rechargeable batteries (1.2 Volts) and it allows the device to operate at voltages (0.8) lower than any similar circuits and therefore it allows maximum juice to be used from a battery before it needs to be disposed of or recharged. The intent of the application here is to use up most of the stored energy in a battery by having a circuit DC-DC converter that accepts inputs as low as 0.8 Volts. In this case rechargeable batteries and non-rechargeable batteries (1.5 Volt) can be efficiently used.



Office Action Summary

Application No.

10/790,437

Applicant(s)

KHALILI, DAVOOD

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 1 and 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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David Khalili
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OR
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(CHINA)

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

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3/15/07
Date

David Khalili
Signature
DAVOOD KHALILI
Typed or printed name of person signing certificate

November 17, 2008

To U.S patent Office
Petitions department



I am disappointed and dismayed about your response and your action regarding my filing of petitions to revive my applications for the two patents as described in the attached documents. I believe you have failed to do your job as required and you have poorly responded to my request. I will describe my reasons to reach this conclusion in the following paragraph.

Based on this performance I feel the need to inform you of your mistakes before I write to Honorable Nancy Pelosi to improve the activities and serving of the U.S. public and inventors in a better way and just way rather than acting as a business center.

Here are my reasons:

1. Regarding the first patent application (laser pointer) the examiner had called and left a message and when I spoke to him and only said to ask for more time, and pay more without considering the fact that my idea for patent was conceived in 2001 and he was not able to resolve the issue by my verbal explanation. So consequently I wrote and explained but he had already made a mistake by grating the patent to another applicant. He had no reason to ask me to file new papers but perhaps to cause me more expenses.
2. In spite of the fact that I had indicated I was living overseas and had only delayed-access to my mail, your office and also the examiner's office did not allow me much time to respond in timely manner.
3. The second patent application indeed consisted of two independent ideas and surely the examiner was right and totally correct about filing them separately and I did this in the petition provided the two separate files. Earlier the examiner for this application had only left a message without referring to the number and I could not find his name in your system upon calling many times. I only then assumed he had called just regarding the first application(laser pointer) and not the second application.
4. Obviously the two applications have already been exposed to public on freshpatents.com and other people may have already filed and got ideoes so in the petition I provided separate materials to amend my

applications rather than starting all over by filing two new applications.

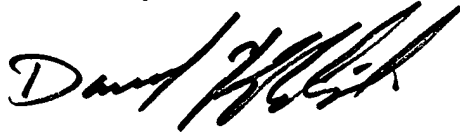
5. In view of these your office did not give any proper and useful answers and did not read or understand my request and categorically rejected both my petitions.

I feel that this is unfair and unjust. Considering the petition office's response, I hope your office will return my 1500 dollars(750 + 750).

Then in that case I will just give up filing patents in USA.

I strongly believe that I have been treated unfairly and I have examples of many cases where patent office issues patents to ideas not worth anything filed by big corporations and lawyers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Davood Khalili', written in a cursive style.

Davood Khalili
5812 Fraser st.
Vancouver, CANADA
V5W2Z5